

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LOGAN O. BISHOP, SR.,)	
)	
Plaintiff,)	
vs.)	NO. CIV-11-0550-HE
)	
ROBIN ROOF, <i>et al.</i> ,)	
)	
Defendants.)		

ORDER

Plaintiff Logan O. Bishop, Sr., a state prisoner appearing *pro se*, filed this § 1983 action alleging violations of his constitutional rights. Consistent with 28 U.S.C. §636(b)(1)(B), (C), the matter was referred for initial proceedings and Magistrate Judge Suzanne Mitchell has recommended that a motion for summary judgment on plaintiff's remaining claim for failure to protect, filed by defendants Middleton, Taylor, Roof, Ezell and Choate, be granted.¹

The magistrate judge concluded that plaintiff failed to exhaust his administrative remedies with respect to this claim. Plaintiff failed to object to the Report and Recommendation and thereby waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996); *see* 28 U.S.C. §636(b)(1)(C).


Accordingly, the court adopts Magistrate Judge Mitchell's Report and

¹*Although all defendants moved for summary judgment on the failure to protect claim, the magistrate judge noted that it was only asserted against defendant Middleton, Choate and Taylor. Summary judgment was previously granted in favor of defendants on plaintiff's other claims, based on his failure to exhaust his administrative remedies..*

Recommendation and **GRANTS** defendants' motion for summary judgment [Doc. #95].

IT IS SO ORDERED.

Dated this 5th day of November, 2013.



JOE HEATON
UNITED STATES DISTRICT JUDGE